

54031
A L

25. (once amended) The composition of claim 23, wherein the adjuvant is selected from the group consisting of pVac, BCG, lipid A, Freund's complete adjuvant, Freund's incomplete adjuvant, Merck Adjuvant 65, aluminum phosphate, alum, quil A, 3D-MPL, QS7, β -escin, digitonin, AS2, ENHANZYN, MPL, QS21, CWS, TDM, AGP, CPG, Leif, saponin, and saponin mimetics.

REMARKS

Appendix A provides the "Version with Markings to Show Changes Made." All pending claims are provided in Appendix B. With this amendment, claims 1-28 and 105-115 are pending in the application.

Status of the claims

Claim 25 has been amended to list the adjuvants pVac, BCG, lipid A, Freund's complete adjuvant, Freund's incomplete adjuvant, Merck Adjuvant 65, aluminum phosphate, alum, quil A, 3D-MPL, QS7, β -escin, and digitonin. This amendment adds no new matter. Support for this amendment can be found, e.g., in the specification on page 66, lines 11-25 and page 67, lines 4-17.

Response to restriction requirement

Applicants elect to prosecute Group I, claims 1-28, and 105-115, drawn to amino acid antigens. Applicants further elect for the purposes of searching the antigen 85 complex from claim 18 and the adjuvant 3D-MPL from claim 25 as amended herein.

Applicants respectfully traverse the restriction requirement. Restriction of an application is discretionary, and a restriction requirement is made only to avoid placing an undue examination burden on the Examiner and the Office. Where claims can be examined together without undue burden, the Examiner must examine the claims on the merits, even though they are directed to independent and distinct inventions. MPEP § 803.01. Applicants respectfully submit that examining the claims and species of Groups

Skeiky *et al.*
Application No.: 09/688,672
Page 3

PATENT

I-V together would not place and undue burden on the Examiner, and request that the restriction requirement be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

A handwritten signature in cursive script that reads "Annette S. Parent".

Annette S. Parent
Reg. No. 42,058

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
ASP:dk
SF 1361574 v1

Skeiky *et al.*
Application No.: 09/688,672
Page 4



RECEIVED
PATENT
JUL 15 2002
TECH CENTER 1600/2900

APPENDIX A
VERSION WITH MARKINGS TO SHOW CHANGES MADE

25. (once amended) The composition of claim 23, wherein the adjuvant is selected from the group consisting of pVac, BCG, lipid A, Freund's complete adjuvant, Freund's incomplete adjuvant, Merck Adjuvant 65, aluminum phosphate, alum, quil A, 3D-MPL, QS7, β -escin, digitonin, AS2, ENHANZYN, MPL, QS21, CWS, TDM, AGP, CPG, Leif, saponin, and saponin mimetics.